

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-10, 12-23 and 27-30 are pending in the application. Claims 1, 13, 19, 27 and 30 are independent claims. Claims 1, 9, 10, 13, 19 and 30 are amended in this Response. Claims 11 and 24-26 have been canceled without prejudice or disclaimer of the subject matter set forth in the canceled claims.

## **Claim Rejections Under 35 U.S.C. § 103**

Claims 1, 3-4, 6-11, 13, 17-21, 23-25, 27-28 and 30 stand rejected as being unpatentable under §103 over U.S. Patent 6,055,314 Spies in view of U.S. Patent 6,636,689 to Stebbings. Claims 2, 12, 14, 15, 16, 26 and 29 stand rejected as being unpatentable under §103 over Spies and Stebbings, and further in view of Powerfile C20 FAQs (hereinafter “Powerfile”). Finally, claims 5 and 22 stand rejected under §103 over Spies and Stebbings, and further in view of a description of DirectShow ([www.compressionworks.com](http://www.compressionworks.com)). These rejections are respectfully traversed.

Spies discloses a system in which a customer, when purchasing a DVD or otherwise purchasing video content, also receives “decryption capabilities” from the vendor of the DVD. In the case of purchasing a DVD, the decryption capabilities are placed on an IC card that is carried by the user. In one described scenario, the user presents the IC card to the vendor when purchasing the DVD, and the vendor transfers the decryption capabilities to the IC card. (*Column 6, lines 11-33.*) The decryption capabilities can include a “program key.” In another scenario, the decryption capabilities can be obtained via network and then stored

1 on the IC card. (*Column 6, lines 34-58.*) Once the decryption capabilities are in  
2 the IC card, the IC card is used in conjunction with a playback device to decrypt  
3 the purchased DVD or other video content.

4 Before the above can occur, according to Spies, a video merchant performs  
5 an initial transaction with a video content provider. The video content provider  
6 maintains a video program storage 30 and a program keys database 32. The video  
7 program storage 30 has a plurality of video content programs that the video  
8 merchant might want to sell. The program keys database 32 includes a number of  
9 program keys that enable use of the video content programs stored in the program  
10 storage 30. (*Column 5, lines 10-18.*) The video merchant contacts the video  
11 content provider to obtain video content and keys that will enable use of the  
12 obtained video content.

13 The process of obtaining video content and associated keys is summarized  
14 in the following. In one example, the video merchant obtains video content that is  
15 for resale. At this point, the video content cannot be played/consumed. The video  
16 content may be sent to the video merchant over a distribution network, or may be  
17 delivered to the merchant on portable media, such as digital video disks. (*Column*  
18 *5, lines 25-32.*) The video content, whether delivered via network or by way of  
19 portable media, is not sent with enabling playback keys that may be used to enable  
20 playback of the video content.

21 The video merchant is now ready to accept keys that will enable video  
22 content that the merchant is authorized to sell. (*Column 5, lines 36-39.*) Spies  
23 gives several examples as to how these keys can be conveyed to the video  
24 merchant. One way is over a secure or insecure link, where the keys are conveyed  
25 in encrypted form. (*Column 5, lines 40-43.*) Spies also mentions that the keys

1 may be “ported on a floppy disk” to the merchant (*Column 5, lines 43-44.*) The  
2 reasoning being that Spies is porting *only* keys on floppy disk, not keys *and* the  
3 video content that the keys enable.

4 Stebbings discloses a method and a system for authenticating a media  
5 and/or the data stored on the media in order to prevent piracy and/or unauthorized  
6 access and/or unauthorized copying of the data stored on the media. The patent  
7 discloses that such media includes CDs and DVD. (*See Abstract of patent.*) The  
8 Office maintains that Stebbings discloses the use of keys that are capable of  
9 verifying the authenticity of a DVD drive, or a similar type of drive. The  
10 Applicant disagrees with the Office’s understanding of Stebbings.

11 Column 13, lines 3-12, of Stebbings discusses the use of buried keys on a  
12 CD and/or DVD that may be used to verify authenticity of the media. Stebbings  
13 makes no reference to using these buried keys to authenticate a CD or DVD drive  
14 that may be used to play the programming stored on such media. Columns 13 and  
15 14, lines 59-67 and lines 1-4, respectfully further elaborate this concept of using  
16 buried keys to authenticate the media (e.g., CD or DVD).

17 The Spies and Stebbings patents are also silent regarding the additional  
18 subject matter added to the claims. Therefore, these patents, whether taken alone  
19 or in combination together, do not render the rejected claims obvious.

20 **Independent claim 1** recites a server device having a “DVD drive,” and a “  
21 key exchange server.” A client device has “a key exchange client and a decoder”.  
22 Claim 1 further recites that the “key exchange client and the key exchange server  
23 communicate with one another to pass one or more keys *from the DVD* to the key  
24 exchange client to allow the decoder to decrypt *content* received, via the network,  
25 *from the DVD*, the one or more keys from the DVD also usable to verify

1 authenticity of the DVD drive.” In addition, the claim recites that “at least one of  
2 the keys is specific to a media content player incorporating the decoder, and  
3 wherein the server device obtains, based on information received from the client  
4 device, the appropriate key for the media content player.

5 Both patents relied upon do not disclose passing one or more keys from a  
6 DVD. Nor do the patents teach or suggest the concept of decrypting content  
7 received over a network using a key, where the key and the content come from the  
8 same source (i.e., the DVD). Furthermore, Spies and Stebbings do not teach or  
9 suggest that the one or more keys from the DVD are also usable to verify  
10 authenticity of the DVD drive.

11 The Office maintains Spies discloses the subject matter “at least one of the  
12 keys is specific to a media content player incorporating the decoder, and wherein  
13 the server device obtains, based on information received from the client device,  
14 the appropriate key for the media content player” at column 12, lines 9-15.  
15 Applicant has carefully reviewed the cited portion of Spies, along with the entirety  
16 of the patent, and finds nothing that approaches the quoted subject matter from  
17 claim 1. The keys disclosed in the Spies patent authenticate media content, not  
18 devices or applications used to play such media content.

19 Accordingly, Spies and Stebbings fail to disclose every feature of claim 1.  
20 Therefore, the §103 rejection of claim 1 is unfounded. Withdrawal of the rejection  
21 is respectfully requested.

22 **Dependent claims 2-12** are allowable because of their dependence from  
23 allowable base claim 1, and also for their additionally recited elements. Although  
24 claims 2 and 12 are rejected as being obvious over a combination of Spies,  
25 Stebbings and Powerfile, Powerfile does not describe the characteristics indicated

1 above that are absent from Spies and Stebbings. Therefore, the arguments above  
2 apply to claims 2 and 12 as well. Although claim 5 is rejected is rejected as being  
3 obvious over a combination of Spies, Stebbings and DirectShow, DirectShow does  
4 not describe the characteristics indicated above that are absent from Spies and  
5 Stebbings. Therefore, the arguments above apply as well to claim 5.

6 **Independent claims 13, 19, 24 and 30** recite subject mater that is similar  
7 to that discussed in connection with claim 1. For those reasons, which are not  
8 repeated here for brevity, Applicant submits that these additional claims are also  
9 allowable over Spies in view of Stebbings.

10 For the reasons discussed above, Spies and Stebbings fail to disclose every  
11 element of claims 13, 19, 24 and 30. Therefore, the §103 rejection of the claims is  
12 unfounded. Allowance of claim 13, 19, 24 and 30 is respectfully requested.

13 **Dependent claims 14-18** are allowable because of their dependence from  
14 allowable base claim 13, and also for their additionally recited elements.  
15 Although claims 14-16 are rejected as being obvious over a combination of Spies,  
16 Stebbings and Powerfile, Powerfile does not describe the elements discussed  
17 above that are absent from Spies and Stebbings.

18 **Dependent claims 20-23** are allowable because of their dependence from  
19 allowable base claim 19, and also for their additionally recited elements. Although  
20 claim 22 is rejected as being obvious over a combination of Spies and Stebbings  
21 and DirectShow, DirectShow does not describe the characteristics indicated above  
22 that are absent from Spies and Stebbings. Therefore, the arguments above apply  
23 as well to claim 22.

24  
25

1       **Dependent claims 25-26** are allowable because of their dependence from  
2 allowable base claim 24, and also for their additionally recited elements.  
3 Although claim 26 is rejected as being obvious over a combination of Spies,  
4 Stebbings and Powerfile, Powerfile do not describe the characteristics indicated  
5 above that are absent from Spies and Stebbings. Therefore, the arguments above  
6 apply as well to claim 26.

7       For the reasons discussed above, the documents relied upon fail to disclose  
8 every element of the rejected dependent claims. Therefore, the §103 rejection of  
9 the claims is unfounded. Allowance of the rejected claims is respectfully  
10 requested.

11      **Independent claim 27** recites a server component configured to “exchange  
12 Content Scrambling System (CSS) keys between a DVD drive of the system and  
13 the key exchange client component.” Spies and Stebbings do not describe  
14 exchanging keys between a DVD drive and any other component.

15      In rejecting claim 27, the Office states that this element is addressed by  
16 Spies at col. 12, lines 8-53. Within these lines, however, Spies only discusses a  
17 DVD drive at lines 49-53. And within lines 49-53, Spies does not discuss  
18 exchanging keys with a DVD drive.

19      Accordingly, Spies and Stebbings do not disclose every element of claim  
20 27. Therefore, the claim is allowable. Allowance of the rejected claims is  
21 respectfully requested.

22      **Dependent claims 28-29** are allowable because of their dependence from  
23 allowable base claim 27, and also for their additionally recited elements.  
24 Although claim 29 is rejected as being obvious over a combination of Spies,  
25 Stebbings and Powerfile, Powerfile do not describe the characteristics indicated

1 above that are absent from Spies and Stebbings. Therefore, the arguments above  
2 apply as well to claim 29.

3

4 **Conclusion**

5 All claims are in condition for allowance. Applicant respectfully requests  
6 reconsideration of the current rejections and prompt allowance of the subject  
7 application. If any issue remains unresolved that would prevent allowance of this  
8 case, **the Examiner is requested to contact the undersigned attorney to resolve**  
9 **the issue.**

10

11 Respectfully Submitted,

12 Date: 6-18-2006

13 By:   
14 Tim R. Wyckoff  
Lee & Hayes, PLLC  
Reg. No. 46,175  
15 (206) 315-4001 ext. 110